

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SHELLI LYNNE J.,

Plaintiff(s),

v.

FRANK BISIGNANO,

Defendant(s).

Case No. 2:25-cv-01216-NJK

Order

[Docket No. 6]

Plaintiff requests authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis* (Docket No. 6), and submitted a complaint (Docket No. 1-1).

I. Application to Proceed *In Forma Pauperis*

Plaintiff filed an application to proceed *in forma pauperis*. Docket No. 6. The application has sufficiently shown an inability to prepay fees and costs or give security for them. Accordingly, the application to proceed *in forma pauperis* will be granted pursuant to § 1915.

II. Screening the Complaint

When a party seeks permission to pursue a civil case *in forma pauperis*, courts will screen the complaint. *See* 28 U.S.C. § 1915(e). A central function of this screening process is to “discourage the filing of, and waste of judicial and private resources upon, baseless lawsuits that paying litigants generally do not initiate because of the cost of bringing suit.” *Neitzke v. Williams*, 490 U.S. 319, 327 (1989).

With respect to social security appeals specifically, judges in this District have outlined some basic requirements for complaints to satisfy the Court’s screening. First, the complaint must establish that administrative remedies were exhausted pursuant to 42 U.S.C. § 405(g), and that the civil action was commenced within 60 days after notice of a final decision. Second, the complaint must indicate the judicial district in which the plaintiff resides. Third, the complaint must state the

1 nature of the plaintiff's disability and when the plaintiff claims to have become disabled. Fourth,
 2 the complaint must identify the nature of the plaintiff's disagreement with the determination made
 3 by the Social Security Administration and show that the plaintiff is entitled to relief. *See, e.g.,*
 4 *Graves v. Colvin*, 2015 WL 357121, *2 (D. Nev. Jan. 26, 2015) (collecting cases).¹

5 Plaintiff's complaint in this case fails to state the nature of her disability. Moreover, the
 6 complaint provides only boilerplate recitation of legal standards as to an entitlement to relief. *See*
 7 Docket No. 1-1 at ¶ 8. Parroting legal standards without an explanation as to why the
 8 Commissioner's decision was wrong is not sufficient. *E.g., Graves*, 2015 WL 357121, *2. In
 9 short, the complaint is not sufficient to survive screening.

10 **III. Conclusion**

11 Accordingly, the Court hereby **ORDERS** as follows:

- 12 1. Plaintiff's request to proceed *in forma pauperis* is **GRANTED** with the caveat that the
 13 fees must be paid if recovery is made. At this time, Plaintiff is not required to pre-pay
 14 the filing fee.
- 15 2. Plaintiff is permitted to maintain this action to conclusion without the necessity of
 16 prepayment of any additional fees or costs or the giving of a security therefor. The
 17 Order granting leave to proceed *in forma pauperis* shall not extend to the issuance of
 18 subpoenas at government expense.
- 19 3. The Clerk of Court must file the complaint.
- 20 4. Plaintiff's complaint is **DISMISSED** with leave to amend. Plaintiff will have until
 21 August 15, 2025, to file an amended complaint, if the noted deficiencies can be
 22 corrected. If Plaintiff chooses to amend the complaint, Plaintiff is informed that the
 23 Court cannot refer to a prior pleading (i.e., the original complaint or amended

24
 25 ¹ The rules that govern social security cases provide in pertinent part that the plaintiff
 26 "may" provide a short and plain statement of the grounds for relief. Supp. R. Soc. Sec. 2(b)(2).
 27 In the context of an *in forma pauperis* screening, however, a social security plaintiff must still
 28 provide a sufficient explanation as to her contentions on appeal. *Jalal H. v. Comm'r of Soc. Sec.*,
 2023 WL 35218, at *2 (S.D. Cal. Jan. 4, 2023); *see also Neitzke v. Williams*, 490 U.S. 319, 327
 (1989) (explaining that a central function of this screening process is to "discourage the filing of,
 and waste of judicial and private resources upon, baseless lawsuits that paying litigants generally
 do not initiate because of the cost of bringing suit").

1 complaint) in order to make the amended complaint complete. This is because, as a
2 general rule, an amended complaint supersedes earlier pleadings. Local Rule 15-1(a)
3 requires that an amended complaint be complete in itself without reference to any prior
4 pleading. Once a plaintiff files an amended complaint, the earlier pleadings no longer
5 serve any function in the case. Therefore, in an amended complaint, each claim and the
6 involvement of each defendant must be sufficiently alleged.

7 **5. Failure to file an amended complaint by the deadline set above may result in the**
8 **dismissal of this case.**

9 IT IS SO ORDERED.

10 Dated: August 1, 2025

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13 Nancy J. Koppe
14 United States Magistrate Judge
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